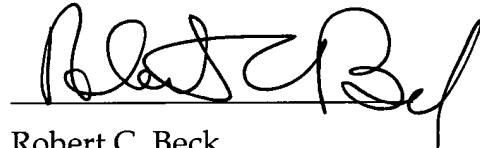


ARGUMENTS

The Examiner has finally rejected the case under §103 for double-patenting. This obviousness-type double patenting with respect to claims 2 and 3 should be obviated by the Terminal Disclaimer filed herewith. The Examiner has also rejected the case under §103 for obviousness in view of the combined teachings of the Budd reference with the Ben-Haim reference. Applicant has recently completed preparation of a reissue examination for U.S. Patent 6,240,307 which will claim co-pendency with the cited Budd reference. Although the application has not been filed of even date, it is expected to be filed with the office within the next week or so such that the Examiner may reconsider the propriety of the rejection based upon the removal of the availability of the '611 patent.

Respectfully submitted,
ENDOCARDIAL SOLUTIONS, INC.
By its attorneys:

Date: 11/10/03


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